

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALAN DREYFUS,)	
Plaintiff,)	
)	
v.)	
)	DOCKET NO.: 05 10876 WGY
JAMES ROMANO, TOWN OF)	
BERKLEY and BOARD OF HEALTH,)	
Defendants.)	
)	

PLAINTIFF, ALAN DREYFUS' INITIAL DISCLOSURES

Pursuant to Fed.R.Civ.Pr. 26(a)(1), plaintiff Alan Dreyfus submits the following initial disclosures. The disclosures are based on information and documents reasonably available at this time. Plaintiff reserves the right to amend or supplement the disclosures based on discovery and/or further investigation.

A. Individuals Likely to Have Discoverable Information

1. Alan Dreyfus
119 Union Street
Mansfield, MA 02048

Mr. Dreyfus is the plaintiff in this case and is familiar with the facts, circumstances and claims alleged.

2. James Romano

Mr. Romano is a Defendant in this case and the Chairman of the Board of Health and is familiar with the facts, circumstances and claims alleged.

B. Relevant Documents

1. Defendant Town of Berkley's records as maintained by the Town of Berkley Board of Health.
2. All records as kept by the Town of Berkley's Building Department.
3. All documents and materials in the nature of guidelines, directives, and policy statements, as issued or created for the Town of Berkley.
4. All rules and regulations as promulgated by the Berkley Board of Health.

5. Copies of all invoices, costs, and bills incurred or concerning Plaintiff Alan Dreyfus in his construction of his home.

C. Damages

Plaintiff seeks compensatory and punitive money damages in amounts to be determined at trial against both the Town of Berkley and James Romano as an individual and in his capacity as a Member of the Board of Health. Plaintiff also seeks interest, costs and reasonable attorney's fees.

D. Additional Documents Currently in Plaintiff's possession.

See Attached.

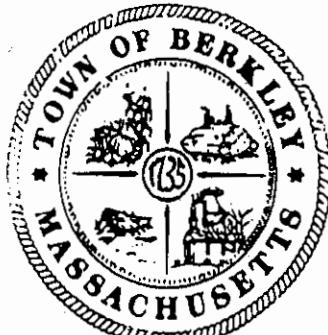
Plaintiff, Alan Dreyfus
By his attorney,

LAW OFFICES OF BRIAN R. COREY

By:

Brian R. Corey, Jr., Esquire
1041 Main Road
Westport, Massachusetts 02790
(508) 636-8861
BBO #632973

Dated: November 8, 2005

TOWN OF BERKLEY
MASSACHUSETTS

Full
 Health Board
 \$200.00
 Con Con stamp

NORTH MAIN STREET
BERKLEY, MA 02779OFFICE OF
BOARD OF HEALTH
APPLICATION FOR PERC TESTAddress of Proposed Perc Test # 46R Street North Main StreetProperty Owner Donald & Donna Hinman (under agreement to Alan Dreyfus)Owner's Address 119 Union Street, Mansfield, MA (Dreyfus) Phone No. 508-339-9089CONTACT PERSON: Gerald Bernard Phone No. 508-823-1307If test for REPAIR OR NEW system? NEW

IF NEW, have you received determination from Conservation

Commission? Yes(If no, you must receive a determination and forward it to
the Board of Health)Name of Person to Perform Test Gerald BernardAddress 14 Town Landing Road, Berkley, MA 02779Title of Person Performing Test Soil EvaluatorIs person performing test a Certified soil Evaluator? Yes

If yes, provide copy of Certificate.

If no, have Soil Evaluator provide copy.

1. Who will be operator of digging equipment?

Alfred Gouveia

Owner of digging equipment must provide certificate of insurance.

2. Does operator have Mass. hoister's License? Yes3. Provide number HE056126

4. In most instances an excavator will be required to do machine work.

Application must be complete before a perc date is issued.

Applicant must return completed application in person at a Board of Health meeting.

A \$200.00 perc fee is required in advance of perc test.

(Additional fees may be required in advance on day of percs). Charge is \$1000.00 per hole, 2 hole minimum.

Signature _____ Date February 12, 2003



TOWN OF BERKLEY
MASSACHUSETTS

**NORTH MAIN STREET
BERKLEY, MA 02779**

**OFFICE OF
BOARD OF HEALTH**

NO. 0387 A

FEE 50.00

DATE 7/8/03

CHECK NO. 9552
HAD ROSE WELL

WELL CONSTRUCTION PERMIT

44 R N. MAIN

LOCATION ADDRESS

LOT NUMBER

AL DREYFUS 119 UNION ST. MANSFIELD MA 02048

OWNER

ADDRESS

HAROSE WELL DRILLING INC. 43 PAGE FORO ST.
INSTALLED ADDRESS BEDFORD, MA 01730

DWELLING BUSINESS

NEW

OTHER Pump AND REtest

REPAIR (Explain)

FOR TURBIDY, IRON AND

SODIUM

OWNERS SIGNATURE

MASS. LICENSE NUMBER

AGREEMENT: The undersigned agrees to install the aforescribed well in accordance with the Town of Berkley Board of Health Well Regulations and further agrees not to place the well in operation until it has been certified by the Well Inspector.

WELL CERTIFIED BY

B. O. H. SIGNATURE

DATE

WELL NOT CERTIFIED.

B. O. H SIGNATURE

DATE

REASON FOR NON CERTIFICATION



COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SOUTHEAST REGIONAL OFFICE

20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

COPY

MITT ROMNEY
GovernorELLEN ROY HERZFELDER
SecretaryKERRY HEALEY
Lieutenant GovernorROBERT W. GOLLEDGE, Jr.
Commissioner

December 9, 2003

Ms. Carol Mills, Chairperson
 Town of Berkley
 Board of Selectmen
 Town Hall
 1 North Main Street
 Berkley, Massachusetts 02779

RE: BERKLEY-BWSC
 58 North Main St
 46R North Main St
 RTN - 11247
 RTN# 4-18115

Dear Chairperson Mills:

On November 24, 2003 representatives from the Department of Environmental Protection (the "Department") Emergency Response Section performed soil testing along the northern boundary of the property at 46 R North Main Street. The parcel was recently purchased by Mr. Alan Dreyfus to build a single family residence. The Berkley Board of Health requested soil sampling be performed by Dreyfus to determine if contaminants consistent with those identified and removed from the Bog's Landing Site are present on the abutting property. Tannery waste was historically transported along a haul road off North Main St along the stonewall back into the area of the property owned by Mr. Douglas Cote referred to as the Bog's Landing Site.

In an effort to obtain the information required to determine if contamination was present along the stonewall bordering the Dreyfus property to the north, the Department conducted field sampling using a handheld NITON XRF analyzer model XL 700. The NITON XRF instrument is owned and registered to the Department. X-Ray Fluorescence analysis was used to delineate the extent of the tannery waste dumped on the Bog's Landing Site. The contaminant of concern used in both sampling events was Chromium. Chromium was present across the Bog's Landing Site in concentrations above other contaminants present.

The historic haul road used to transport the tannery waste back into the area known as the Bog's Landing Site comes off of North Main Street between the Cote property and the Dreyfus property. During the EPA and DEP tannery waste removal project a portion of the haul road off of North Main Street was not sampled because Chromium had not been detected along the haul road proximal to the site. To fill in this data gap thirty (30) locations along the haul road and on both sides of the stonewall were analyzed by DEP on November 24, 2003.

Prior to conducting this testing, surface organic material including leaves, sticks and topsoil were brushed away by hand in the sampling locations. As you can see in the attached data table, Chromium was not detected in any of the locations tested.

The Department is confident that this information should address the Board of Health's concern that testing of soil for possible tannery waste constituents be conducted on the Dreyfus property. If you have questions regarding this correspondence please contact Julie J. Hutcheson at the letterhead address above or 508-946-2852.

Very truly yours,



Richard F. Packard, Chief
Emergency Response/Release
Notification Section

P/JH/re

Nors/dreyfus letter

cc: Mr. Alan Dreyfus
119 Union Street
Mansfield, MA 02048

Mr. Douglas Cote
58 North Main Street
Berkley, MA 02779

ec: Board of Health
ATTN: Mr. James Romano, Chairman

Conservation Commission
ATTN: James McIsaac, Chairman

Berkley – XRF Sampling
 November 24, 2003
 DEP: Julie Hutcheson, Michael Whiteside

DATA TABLE

Sample No.	XRF No.	Results
1	314	ND
2	315	ND
3*	316	ND
4*	317	ND
5	318	ND
6*	319	ND
7	320	Incomplete Reading
7	321	Incomplete Reading
8*	322	ND
9	323	ND
10	324	ND
11	325	ND
12	326	ND
13	327	ND
14	328	ND
15	329	ND
16	330	ND
17	331	ND
18	332	ND
19	333	ND
20	334	Incomplete Reading
20	335	ND
21*	336	ND
22*	337	ND
23*	338	ND
24*	339	ND
25*	340	ND
26*	341	ND
27*	342	ND
28*	343	ND
29*	344	ND
30*	345	ND

NOTES:

* - Samples collected on Dreyfus property

ND – non detect

Incomplete Reading -- indicates that the XRF encountered organic material that interfered with the reading. This could be caused by a root mass or decaying organic matter.

TOWN OF BERKLEY
MASSACHUSETTS



**OFFICE OF
BOARD OF HEALTH**

1 NORTH MAIN STREET
BERKLEY, MA 02779

TELEPHONE (508) 828-7828
FAX (508) 880-2055

January 15, 2004

Mr. Alan Dreyfus
119 Union Street
Mansfield, MA 02048

Dear Mr. Dreyfus:

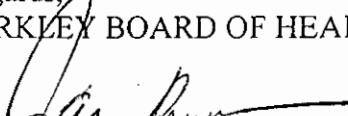
Our Board is in receipt of a letter from DEP dated December 9, 2003, regarding testing done on your property at 46R North Main Street. We feel that this testing, while accurate, appears to be very limited.

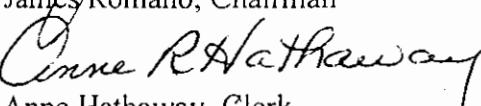
We asked you on August 12, 2003 to do approximately 7 (seven) soil tests on different area of the property. The tests conducted by DEP show no apparent contaminates on the areas tested.

We do, however, at this time recommend that for your protection and for the protection of future owners of this property that you conduct the other testing as requested.

However, we will, at this time, accept and review your septic plans and will not hold up your other permits.

Regards,
BERKLEY BOARD OF HEALTH


James Romano, Chairman


Anne Hathaway, Clerk


Steven Rapoza, Member

TOWN OF BERKLEY
CONSERVATION COMMISSION
Town Hall, 1 North Main Street
Berkley, Massachusetts 02779

October 13, 2003

Mr. Alan S. Dreyfus
119 Union Street
Mansfield, MA 02048

Re: Your property at 46R North Main St., Berkley, MA 02779.

Dear Mr. Dreyfus:

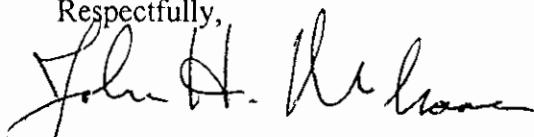
I write in reply to your further verbal inquiry about the alleged contamination report that this board received last year from Mr. Gene Flint, of North Main Street, Berkley.

Soon after the board's receipt of the report, the board instructed me to call Mr. Andy Jones of the MA DEP/SE, the person at that office that had been given the same report by Mr. Flint. I called Mr. Jones and discussed the report. As I recall our conversation, Mr. Jones made expressed the following:

1. He had reviewed the report and found nothing that he deemed actionable by the DEP.
2. He had concern that the report's test methodology didn't meet required criteria.

I reported on my telephone call at the next Conservation Board meeting, where Mr. Flint and Ms. Valerie Murray expressed their continued concerns about contamination on the property. The board discussed the matter. By coincidence, Mr. James Romano of the Berkley Board of Health was at that meeting. I asked him if any potable water well that was located in the block defined by North Main St., Burt St., Jerome St., Pine St., Porter St. and Locust St. had ever been condemned or found to be unfit due to contamination. He reported that to the best of his knowledge no well in the designated block had been condemned or found unfit due to contamination.

Respectfully,



John H. McIsaac,
Chairman
Berkley Conservation Commission

TOWN OF BERKLEY
MASSACHUSETTS



**OFFICE OF
BOARD OF HEALTH**

1 NORTH MAIN STREET
BERKLEY, MA 02779

TELEPHONE (508) 828-7828
FAX (508) 880-2055

August 20, 2003

Mr. Alan Dreyfus
119 Union Street
Mansfield, MA 02048

Dear Mr. Dreyfus:

As the Board of Health told you at our meeting on August 12, 2003, before approving septic design plans, you need to have a 21E study done on the soil on your property at 46R North Main Street. This property is located on or near the site known to have had tannery waste dumped on it.

To ensure the health of future occupants of the site, we need proof that the area is not contaminated.

Regards,
BERKLEY BOARD OF HEALTH

James Romano, Chairman

Anne Hathaway, Clerk

Steven Rapoza, Member



TOWN OF BERKLEY
MASSACHUSETTS

BOARD OF APPEALS

1 NORTH MAIN STREET
BERKLEY, MA 02779
OFFICE: (508) 821-1575

In accordance with Massachusetts General Laws Chapter 40A, as amended. The Berkley Board of Appeals will hold a public Hearing on Wednesday May 5, 2003 at 9:00 P.M. at the town office building 1 North Main Street Berkley, MA., in the Frances Andrews Hearing room. The purpose is on the application presented by Mr. Alan Dreyfus. Owners, Donald and Donna Hinman.

The applicant is seeking a variance of the Town of Berkley Zoning By-Law dimensional regulations with the respect to Seek relief from Section 4 (a). In particular, the request is from the requirement that a width and frontage of 200 feet shall apply.

The location of the property is known as MAP 2 LOTS 51-02 located at 46 Rear North Main Street.

Any person(s) interested or wishing to be heard on this matter should attend the Hearing.

Town of Berkley
Board of Appeals
Chairman
Steven Bachand,Sr.

LAW OFFICES OF
FRANCIS M. O'BOY

41 HARRISON STREET
TAUNTON, MASSACHUSETTS 02780

(508) 823-1133
FAX
(508) 824-2820

September 4, 2003

Board of Health
Town of Berkley
1 North Main Street
Berkley, MA 02779

Re: Alan Dreyfus – 119 Union Street, Mansfield, MA

Gentlemen:

This is to advise you that I represent the above-named Alan Dreyfus, who is the lawful owner of land located at 46R North Main Street, Berkley, and who plans to erect a single-family home on his 8+ acre parcel. Since May of 2003, he has complied with every reasonable requirement of your Board and the other Town permit-granting authorities. Your Board, however, arbitrarily and capriciously held up the granting of your approval by demanding an unnecessary 21E study, which the Commonwealth of Massachusetts DEP determined to be unnecessary. As the result of the failure of your Board to grant the permit necessary for my client to construct his home, he has suffered great loss and has been the subject of alleged harassment based upon undue influence of your Board by a long-time Berkley resident who desired to purchase the parcel on which my client intends to builds his home.

My client intends to seek damages against the Town and the individuals responsible for the damage he has suffered. He has asked me to extend a final opportunity for your Board to comply with his lawful request for permission to proceed with the construction of his house.

Unless your Board takes favorable action on his application prior to September 22, 2003, my client has instructed me to take all necessary legal steps to protect his interests.

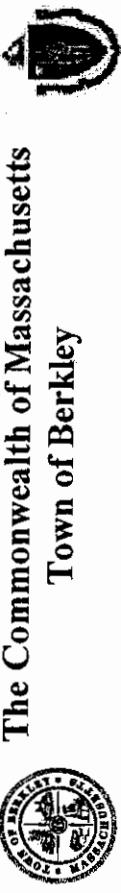
Respectfully yours,

FRANCIS M. O'BOY

FOB/gsk

Certified Mail #7001 2510 0008 7012 1670
RETURN RECEIPT REQUESTED

cc: Attorney David T. Gay
Mr. Alan Dreyfus



The Commonwealth of Massachusetts
Town of Berkley

In accordance with the Massachusetts State Building Code, Section 114.0, this

BUILDING PERMIT

Is issued to: Alan Dreyfus

Address: 119 Union St., Mansfield, Ma 02048

Contractors License #

Permit To: Construct House Foundation & 2

Bedroom Log Cabin w/ 2 Car Garage.

Location: 46R North Main St.

Map/1.01 #2 [01/51-02]

Construction Type: 5-B [See group: B-4]

Dimensions: 32 Width 68 Length Height
Section: 15 ft. 3 2 200 cap. A.

Owner: Same

Address: Same

Phone: 508-339-9089

All work shall conform to the approved

the work plan concerning the application and plans

This permit shall become invalid unless the work is commenced within one year from the date of issuance.

This permit shall become invalid unless the work has commenced within six (6) months or if work

has commenced within six (6) months, or it will be suspended for a period of one (1) year.

INSPECTION RECORD

INSPECTION	BY	DATE
Pest Loc - Pest Control	M. Brestney	6/16/09

FINAL APPROVALS

Well				
Sanitation				
Plumbing				
Electrical				
	Smoke Detectors/Fuel systems			
				Other:

Permit #03116 Date Issued: 06/04/03 & 12/03/03
Fee:\$ 843.00 Building Official: Joseph Lawrence

~~\$971.00 + \$35 dK~~ ~~100% of~~ ~~ear boundaries~~
~~near boundaries; 50 foot from the town boundary.~~ ** This permit

REMARKS: Zoning regulations require 15 foot setback from side and rear boundaries; 50 foot from the town boundary. **This permit will correspond with the permit for the NEW HOME when issued. **Building Permit issued on 12/03/03 is at "OWNER'S RISK"** Effective 10-1-84 an As-Built Certification is required on the foundation and septic system installation.

INSPECTION RECORD	
INSPECTION	BY
	DATE
Well	
Sanitation	
Plumbing	
Electrical	
Smoke Detectors/Fuel Systems	
Other:	



The Commonwealth of Massachusetts
Town of Berkley

In accordance with the Massachusetts State
Building Code, Section 114.0, this

BUILDING PERMIT

Is issued to: Alan Dreyfus

Address: 119 Union St., Mansfield, Ma 02048

Contractors License #

Permit To: Construct House Foundation

Location: 46R N. Main St.

Map/Lot # 2 Lot 51-02

Construction Type: 5-B Use group: R-4
Dimensions: 32' Width 68' Length Height

Owner: Same

Address: Same

Phone: 508-339-9089

All work shall conform to the approved
application and plans.

This permit shall become invalid unless the work
has commenced within six (6) months, or if work
is suspended for a period of one (1) year.

Permit #03116 Date Issued: 06/04/03
Fee:\$ 843.00 Building Official: Joseph Lawrence

REMARKS: Zoning regulations require 15 foot setback from side and rear boundaries; 50 foot from the town boundary. **This permit will correspond with the permit for the NEW HOME when issued. **

QUITCLAIM DEEDBK 11947 PG 209
04/22/03 11:50 36428

Stephen E. Shamban, Chapter 7 Trustee in Bankruptcy of Donald Hinman (United States Bankruptcy Court, District of Massachusetts, Chapter 7 Case No. 00-16219-CJK)

of Braintree, Norfolk County, Massachusetts,

for consideration paid, and in full consideration of ONE HUNDRED FORTY THOUSAND and 00/100 DOLLARS (\$140,000.00)

grant to Alan S. Dreyfus

of 119 Union Street, Mansfield, Bristol County, Massachusetts, with quitclaim covenants

the land in Berkley, Bristol County, Massachusetts, located on the easterly side of North Main Street, and shown as

Lot 3 consisting of approximately 1.58 acres of land as shown on Town of Berkley Assessors Map 2 Lot 51-02.3 and a parcel shown as "Remaining Land of Assessors Map 2, Parcel 51-02" consisting of approximately 7.18 acres of vacant land. Said premises are more particularly described in a plan entitled "A Plan of Land in Berkley, MA prepared for Donald and Donna Hinman dated December 15, 1995 and recorded in Plan Book 351, Page 73 at the Bristol County Registry of Deeds (Northern District).

For my authority to see Court Orders of August 26, 2002 and March 25, 2003 to be recorded herewith. Being a portion of the premises described in Deed dated March 14, 1986 and recorded with said Deeds in Book 2939, Page 101.

Witness my hand and seal this

18

day of April, 2003.



Stephen E. Shamban, Chapter 7
Trustee in Bankruptcy

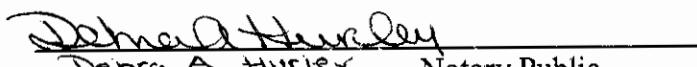
CANCELLED

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS.

APRIL 18, 2003

Then personally appeared the above named Stephen E. Shamban, Chapter 7 Trustee in Bankruptcy and acknowledged the foregoing instrument to be his free act and deed before me,



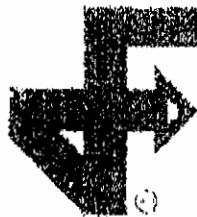
Debra A. Hurley Notary Public

My Commission Expires: 7/19/07

jm:hinman.4.17.03

Return to:

Alan S. Dreyfus, 119 Union St., Mansfield, MA 02048



FORWARD FINANCIAL COMPANY

350 Church Street • Northboro, Massachusetts 01532 • (508) 393-5300
Web Site: <http://www.forwardfinancial.com>

February 28, 2003

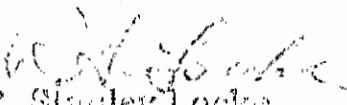
Alan S. Dreyfus
119 Union Street
Mansfield, MA 02048

Dear Alan S. Dreyfus;

I am pleased to inform you that you have been approved for the purchase of land on North Main Street, Berkley, MA with a Purchase Price of \$140,000.00, as described in the Purchase and Sale Agreement dated February 16, 2003.

Thank you for choosing Forward Financial Company and let us know as soon as a closing date has been scheduled. Please call with any questions.

Sincerely,


R. Stanley Locke
Vice President

BUILDING DEPARTMENT
TOWN OF BERKLEY
1 NORTH MAIN ST
BERKLEY, MASSACHUSETTS 02779
508-824-9286

DATE 6-4-03

PERMIT# 03116

ADDRESS 46 R N Main St

THIS IS FOR A FOUNDATION AT "OWNER'S RISK" FOR FUTURE PERMITS TO
BUILD UPON FOUNDATION.


SIGNATURE



TOWN OF BERKLEY
MASSACHUSETTS

BOARD OF APPEALS

1 NORTH MAIN STREET
BERKLEY, MA 02779
OFFICE: (508) 821-1575

*Note: Corrected date for this Hearing
5-14-08*

In accordance with Massachusetts General Laws Chapter 40A, as amended. The Berkley Board of Appeals will hold a public Hearing on Wednesday ~~May 5, 2003~~ at 9:00 P.M. at the town office building 1 North Main Street Berkley, MA., in the Frances Andrews Hearing room. The purpose is on the application presented by Mr. Alan Dreyfus. Owners, Donald and Donna Hinman.

The applicant is seeking a variance of the Town of Berkley Zoning By-Law dimensional regulations with the respect to Seek relief from Section 4 (a). In particular, the request is from the requirement that a width and frontage of 200 feet shall apply.

The location of the property is known as MAP 2 LOTS 51-02 located at 46 Rear North Main Street.

Any person(s) interested or wishing to be heard on this matter should attend the Hearing.

Town of Berkley
Board of Appeals
Chairman
Steven Bachand,Sr.



TOWN OF BERKLEY
MASSACHUSETTS

OFFICE OF
TOWN CLERK - TREASURER
CAROLYN AWAALT, CMMC CMMT

5/2/2003 MAP 2 LOT 51.02 LAND NO MAIN ST 7.18 ACRES
TAX TITLE ACCOUNT HINMAN 027/002.0-0051-0002.0

DEBT	TAX YR	END DATE	BEGIN DATE	# DAYS	INTEREST	TOTAL	GRAND TOTAL
\$ 851.51	1997	4/16/2003	6/30/1998	1751	\$ 653.59	\$ 1,505.10	\$ 1,505.10
\$ 712.42	1998	4/16/2003	6/30/1998	1751	\$ 546.83	\$ 1,259.25	\$ 2,764.34
\$ 766.24	1999	4/16/2003	6/30/1999	1386	\$ 465.54	\$ 1,231.78	\$ 3,996.12
\$ 804.07	2000	4/16/2003	6/30/2000	1020	\$ 359.52	\$ 1,163.59	\$ 5,159.71
\$ 939.15	2001	4/16/2003	6/30/2001	655	\$ 269.65	\$ 1,208.80	\$ 6,368.51
\$ 955.41	2002	4/16/2003	6/30/2002	290	\$ 121.45	\$ 1,076.86	\$ 7,445.38
					tax collector		
					per diem to 6-30		
\$ 898.24	2003				\$ 19.50	\$ 917.74	\$ 8,363.12
Redemption Cost		\$ 75.00					
Notary		\$ 6.00					
Recording		\$ 3.00					
Postage		\$ 0.37					
Total		\$ 84.37				Total due including redemption costs:	\$ 8,447.49
Paid In Full	4/22/2003						

Caroline Awalt



TOWN OF BERKLEY
MASSACHUSETTS
OFFICE OF
TOWN CLERK - TREASURER
CAROLYN AWALT, CMMC CMMT

5/2/2003 TAX TITLE ACCOUNT MAP 2 HINMAN LOT 51.02.3 027-002.0-0051-0002.3 LAND NO. MAIN ST 1.58 ACRES

DEBT	TAX YR	END DATE	BEGIN DATE	# DAYS	INTEREST	TOTAL	GRAND TOTAL
\$ 660.18	1997	4/16/2003	6/30/1998	1751	\$ 506.73	\$ 1,166.91	\$ 1,166.91
\$ 546.78	1998	4/16/2003	6/30/1998	1751	\$ 419.69	\$ 966.47	\$ 2,133.38
\$ 568.00	1999	4/16/2003	6/30/1999	1386	\$ 357.25	\$ 945.25	\$ 3,078.62
\$ 625.77	2000	4/16/2003	6/30/2000	1020	\$ 279.80	\$ 905.57	\$ 3,984.19
\$ 727.55	2001	4/16/2003	6/30/2001	655	\$ 208.90	\$ 936.45	\$ 4,920.64
\$ 739.58	2002	4/16/2003	6/30/2002	290	\$ 94.02	\$ 833.60	\$ 5,754.23
\$ 695.48	2003				\$ 19.50	\$ 714.98	\$ 6,469.21
Redemption cost		\$ 75.00					
Notary		\$ 6.00					
Recording		\$ 3.00					
Postage		\$ 0.37					
Total		\$ 84.37			Total due including redemption costs:	\$ 6,553.58	
Paid In Full	4/22/2003						

Carolyne Awalt

Environmental Chemistry
Site Assessment
Quality Assurance Services

Environmental Services
Site Sampling
Data Auditing



Hadroose Well Drilling

43 Padelford St.
Berkley, MA 02779

COLLECTED BY: J. Rose

TIME: 16:30

LOCATION: 46 R N. Main St., Berkley, MA
Well 360' Deep 6 GPM

REPORTED: 07/30/2003
ORDER #: G0349416
SAMPLE DATE: 7/14/2003
DATE RECEIVED: 7/14/2003
SAMPLE ID: Al Dreyfus
DESCRIPTION: DRINKING WATER

RESULTS OF ANALYSIS

<i>Potability</i>						LAB-ID#:	0349416-01
Coliform, Total 9222A	SM 9222A	07/15/2003	# per 100 mL	0	Absent ^{1,4}	Absent	
Alkalinity 310.2	EPA 310.2	07/15/2003	mg/L	4	30-100 ²	84.8	
Ammonia, Nitrogen 350.1	EPA 350.1	07/16/2003	mg/L	0.1	--- ²	<0.10	
Calcium 3111B	SM3111B	07/15/2003	mg/L	0.05	--- ²	18.7	
Chloride 4110B	SM 4110B	07/15/2003	mg/L	2	250 ²	41.6	
Copper 200.8	EPA 200.8	07/16/2003	mg/L	0.02	1.3	ND	
Hardness	SM 2340B	07/15/2003	mg/L	4	50-150 ²	59.4	
Lead 200.8	EPA 200.8	07/16/2003	mg/L	0.001	0.015	ND	
Nitrate, Nitrogen 4110B	SM 4110B	07/15/2003	mg/L	0.1	10.0 ¹	<0.10	
Nitrite, Nitrogen 4110B	SM 4110B	07/15/2003	mg/L	0.05	1.0 ¹	<0.05	
pH	SM 4500 H+B	07/15/2003	S.U.	0-14	6.5-8.5 ²	8.0	
Specific Conductance	SM2510B	07/15/2003	umhos/cm	0.5	---	332	
Sulfate 4110B	SM 4110B	07/15/2003	mg/L	10	500 ²	<10.0	
Turbidity	SM 2130B	07/15/2003	NTU	0.25.	0.25-1.0 ²	5.8	
Iron	SM 3111B	07/15/2003	mg/L	0.02	0.30 ²	0.43	
Magnesium 3111B	SM 3111B	07/15/2003	mg/L	0.01	50 ¹	3.06	
Manganese 200.8	EPA 200.8	07/16/2003	mg/L	0.005	0.05 ³	0.084	
Potassium	EPA 200.8	07/16/2003	mg/L	0.005	---	0.901	
Sodium	SM 3111B	07/15/2003	mg/L	0.02	20.0 ²	49.5	

**Environmental Chemistry
Site Assessment
Quality Assurance Services**



Environmental Services
Site Sampling
Data Auditing

**Hadrose Well Drilling
43 Padelford St.
Berkley, MA 02779**

COLLECTED BY: J. Rose
TIME: 16:30
LOCATION: 46 R N. Main St., Berkley, MA
Well 360' Deep 6 GPM

REPORTED: 07/30/2003
ORDER #: G0349416
SAMPLE DATE: 7/14/2003
DATE RECEIVED: 7/14/2003
SAMPLE ID: AI Dreyfus
DESCRIPTION: DRINKING WATER

RESULTS OF ANALYSIS

物种	分布地	生境	数量	保护级别	威胁因素
东北虎	长白山、小兴安岭	森林	50	濒危	栖息地破坏、偷猎
中华鲟	长江	淡水	100	濒危	过度捕捞、水污染
藏羚羊	青藏高原	草原	2000	易危	盗猎、栖息地丧失
扬子鳄	安徽、江苏	淡水	150	濒危	栖息地破坏、环境污染
金丝猴	四川、贵州	森林	300	易危	栖息地丧失、非法交易
白鱀豚	长江	淡水	10	极危	栖息地丧失、船只噪音
丹顶鹤	东北平原	湿地	500	易危	栖息地丧失、非法交易
绿孔雀	云南	森林	200	濒危	栖息地丧失、偷猎
黑颈鹤	青藏高原	湿地	1000	易危	栖息地丧失、非法交易

Test Parameters

LAB-ID#: 0349416-01

Parameter	Method	Date	Unit	Result	LOD	ND
Aluminum 200.8	EPA 200.8	07/16/2003	mg/L	0.01	0.20	ND
Arsenic 200.8	EPA 200.8	07/16/2003	mg/L	0.005	0.05	ND
Barium 200.8	EPA 200.8	07/16/2003	mg/L	0.10	2.0	ND
Beryllium 200.8	EPA 200.8	07/16/2003	mg/L	0.002	0.004	ND
Cadmium 200.8	EPA 200.8	07/16/2003	mg/L	0.001	0.005	ND
Chromium 200.8	EPA 200.8	07/16/2003	mg/L	0.005	0.1	ND
Chromium, Hexavalent	SM 307B	07/15/2003	mg/L	0.01	---	<0.01
Color	SM2120B Mod.	07/16/2003	APC units	0	---	30
Cyanide 4500-CN-C/E	SM 4500 CN-C/E	07/18/2003	mg/L	0.01	0.2	<0.01
Free Carbon Dioxide	SM 4500-CO2 B	07/18/2003	mg/L	1.0	50	1.70
Mercury 200.8	EPA 200.8	07/22/2003	mg/L	0.0002	0.002	ND
Nickel 200.8	EPA 200.8	07/16/2003	mg/L	0.005	0.1	ND
Selenium 200.8	EPA 200.8	07/16/2003	mg/L	0.005	100	ND
Silver 200.8	EPA 200.8	07/16/2003	mg/L	0.005	0.10	ND

Bacteriologically and chemically, this water meets the Maximum Contaminant Level requirements as established by the Commonwealth of Massachusetts for drinking water (for the parameters tested).

NA = Not Applicable

ND = Not Detected

'<' = Less Than

* = Detection Limit

Approved By:

Barry H.
Lab Manager

11

Date

1. These limits are maximum contaminant levels (MCL) as adopted by the Commonwealth of Massachusetts and represent the maximum acceptable level in drinking water.
 2. Recommended limits are suggested levels of materials allowed in water. These may be for aesthetic reasons rather than for human health.
 3. Currently there are no limits (recommended or mandated) for this parameter. This is merely presented for guidance.
 4. If present, coliform values (in parentheses) are defined as estimated numbers.

Environmental Chemistry
Site Assessment
Quality Assurance Services



Environmental Services
Site Sampling
Data Auditing

Hadroose Well Drilling
43 Padelford St.
Berkley, MA 02779

COLLECTED BY: J. Rose
TIME: 16:30
LOCATION: 46 R N. Main St., Berkley, MA
Well 360' Deep 6 GPM

REPORTED: 07/30/2003
ORDER #: G0349416
SAMPLE DATE: 7/14/2003
DATE RECEIVED: 7/14/2003
SAMPLE ID: Al Dreyfus
DESCRIPTION: DRINKING WATER

RESULTS OF ANALYSIS

Parameter	Method	Result	Detection Limit	Analysis Type	Date
Asbestos		<0.193	7	0.193	EPA 100.1/100.2 7/28/2003

Surrogate Recoveries (As required by EPA methods 524.1 and 524.2)

RESULTS OF ANALYSIS

Organic Compound	Method	Result	Detection Limit	Analysis Type	Date
Benzene	ND	5.0	0.5	EPA 524	7/18/2003
Carbon Tetrachloride	ND	5.0	0.5	EPA 524	7/18/2003
1,1-Dichloroethylene	ND	7.0	0.5	EPA 524	7/18/2003
1,2-Dichloroethane	ND	5.0	0.5	EPA 524	7/18/2003
para-Dichlorobenzene	ND	5.0	0.5	EPA 524	7/18/2003
Trichloroethylene	ND	5.0	0.5	EPA 524	7/18/2003
1,1,1-Trichloroethane	ND	200.0	0.5	EPA 524	7/18/2003
Vinyl Chloride	ND	2.0	0.5	EPA 524	7/18/2003
Monochlorobenzene	ND	100.0	0.5	EPA 524	7/18/2003
o-Dichlorobenzene	ND	600.0	0.5	EPA 524	7/18/2003
trans-1,2-Dichloroethylene	ND	100.0	0.5	EPA 524	7/18/2003
cis-1,2-Dichloroethylene	ND	70.0	0.5	EPA 524	7/18/2003
1,2-Dichloropropane	ND	5.0	0.5	EPA 524	7/18/2003
Ethylbenzene	ND	700.0	0.5	EPA 524	7/18/2003
Styrene	ND	100.0	0.5	EPA 524	7/18/2003
Tetrachloroethylene	ND	5.0	0.5	EPA 524	7/18/2003
Toluene	ND	1000.0	0.5	EPA 524	7/18/2003
Xylenes (total)	ND	10000.0	0.5	EPA 524	7/18/2003
Dichloromethane	ND	5.0	0.5	EPA 524	7/18/2003
1,2,4-Trichlorobenzene	ND	70.0	0.5	EPA 524	7/18/2003
1,1,2-Trichloroethane	ND	5.0	0.5	EPA 524	7/18/2003

Environmental Chemistry
Site Assessment
Quality Assurance Services



Environmental Services
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Hadroose Well Drilling

43 Padelford St.
Berkley, MA 02779

COLLECTED BY: J. Rose

TIME: 16:30

LOCATION: 46 R N. Main St., Berkley, MA
Well 360' Deep 6 GPM

REPORTED: 07/30/2003

ORDER #: G0349416

SAMPLE DATE: 7/14/2003

DATE RECEIVED: 7/14/2003

SAMPLE ID: Al Dreyfus

DESCRIPTION: DRINKING WATER

RESULTS OF ANALYSIS

Sample ID	Method	Conc.	Unit	Analyst	Date

Organics, Volatile Meth. 524

LAB-ID#: 0349416-01

Chloroform	0.8	---	0.5	EPA 524	7/18/2003
Bromodichloromethane	ND	---	0.5	EPA 524	7/18/2003
Chlorodibromomethane	ND	---	0.5	EPA 524	7/18/2003
Bromoform	ND	---	0.5	EPA 524	7/18/2003
m-Dichlorobenzene	ND	---	0.5	EPA 524	7/18/2003
Dibromomethane	ND	---	0.5	EPA 524	7/18/2003
1,1-Dichloropropene	ND	---	0.5	EPA 524	7/18/2003
1,1-Dichloroethane	ND	---	0.5	EPA 524	7/18/2003
1,1,2,2-Tetrachloroethane	ND	---	0.5	EPA 524	7/18/2003
1,3-Dichloropropane	ND	---	0.5	EPA 524	7/18/2003
Chloromethane	ND	---	0.5	EPA 524	7/18/2003
Bromomethane	ND	---	0.5	EPA 524	7/18/2003
1,2,3-Trichloropropane	ND	---	0.5	EPA 524	7/18/2003
1,1,1,2-Tetrachloroethane	ND	---	0.5	EPA 524	7/18/2003
Chloroethane	ND	---	0.5	EPA 524	7/18/2003
2,2-Dichloropropane	ND	---	0.5	EPA 524	7/18/2003
o-Chlorotoluene	ND	---	0.5	EPA 524	7/18/2003
p-Chlorotoluene	ND	---	0.5	EPA 524	7/18/2003
Bromobenzene	ND	---	0.5	EPA 524	7/18/2003
1,3-Dichloropropene	ND	---	0.5	EPA 524	7/18/2003
1,2,4-Trimethylbenzene	ND	---	0.5	EPA 524	7/18/2003
1,2,3-Trichlorobenzene	ND	---	0.5	EPA 524	7/18/2003
n-Propylbenzene	ND	---	0.5	EPA 524	7/18/2003
n-Butylbenzene	ND	---	0.5	EPA 524	7/18/2003
Naphthalene	ND	---	0.5	EPA 524	7/18/2003
Hexachlorobutadiene	ND	---	0.5	EPA 524	7/18/2003
1,3,5-Trimethylbenzene	ND	---	0.5	EPA 524	7/18/2003
p-Isopropyltoluene	ND	---	0.5	EPA 524	7/18/2003

Environmental Chemistry
Site Assessment
Quality Assurance Services

Environmental Services
Site Sampling
Data Auditing



Hadroose Well Drilling

43 Padelford St.

Berkley, MA 02779

COLLECTED BY: J. Rose

TIME: 16:30

LOCATION: 46 R N. Main St., Berkley, MA
Well 360' Deep 6 GPM

REPORTED: 07/30/2003

ORDER #: G0349416

SAMPLE DATE: 7/14/2003

DATE RECEIVED: 7/14/2003

SAMPLE ID: Al Dreyfus

DESCRIPTION: DRINKING WATER

RESULTS OF ANALYSIS

Sample ID	Method	Conc.	Unit	Speciation	Notes

<i>Organics, Volatile Meth. 524</i>		LAB-ID#: <u>0349416-01</u>			
Isopropylbenzene	ND	---	0.5	EPA 524	7/18/2003
tert-Butylbenzene	ND	---	0.5	EPA 524	7/18/2003
sec-Butylbenzene	ND	---	0.5	EPA 524	7/18/2003
Fluorotrichloromethane	ND	---	0.5	EPA 524	7/18/2003
Dichlorodifluoromethane	ND	---	0.5	EPA 524	7/18/2003
Bromochloromethane	ND	---	0.5	EPA 524	7/18/2003
Methyl-tertiary-butyl-ether	ND	---	1.0	EPA 524	7/18/2003

Surrogate Recoveries (As required by EPA methods 524.1 and 524.2)

Compound	% Recovered	QC Limits (%)	
1,2-dichlorobenzene-d4	94	70	130
4-bromofluorobenzene	97	70	130

Approved By:

Jerry Dreyfus 7/30/03
(Lab Manager)

Date

ND = Not Detected

1. These limits are maximum contaminant levels (MCL) as adopted by the Commonwealth of Massachusetts and represent the maximum acceptable level in drinking Water.

No. _____

FEE ~~300.00~~

3146 plan review

COMMONWEALTH OF MASSACHUSETTS

Board of Health, Bentley, MA.

APPLICATION FOR DISPOSAL SYSTEM CONSTRUCTION PERMIT

Application for a Permit to Construct() Repair() Upgrade() Abandon() Complete System Individual Components

Location <u>46R North Main Street</u>	Owner's Name <u>A/41 Drayton</u>
Map/Parcel# <u>2</u>	Address <u>119 Union St. Mansfield</u>
Lot# <u>51-02</u>	Telephone# <u>508-337-9089</u>
Installer's Name <u>BLG Enterprises</u>	Designer's Name <u>Holmes Engineering Inc</u>
Address <u>73 N. Main St. Bentley</u>	Address <u>622 Bentley St. Bentley</u>
Telephone# <u>508-823-0823</u>	Telephone# <u>508-880-6535</u>

Type of Building Single Family Home Lot Size 7.18 AcreDwelling - No. of Bedrooms 3 Garbage grinder ()Other - Type of Building _____ No. of persons _____ Showers (), Cafeteria ()

Other Fixtures _____

Design Flow (min. required) 330 gpd Calculated design flow 330 Design flow provided 330 gpdPlan: Date 6-6-03 Number of sheets 2 Revision Date _____Title Septic System Plan for A/41 DraytonDescription of Soil(s) 0"-12" Sandy Loam 12"-24" Loamy Sand 24"-60" Loamy SandSoil Evaluator Form No. 4-25-03 Name of Soil Evaluator G. Barnes Date of Evaluation _____DESCRIPTION OF REPAIRS OR ALTERATIONS _____

The undersigned agrees to install the above described Individual Sewage Disposal System in accordance with the provisions of TITLE 5 and further agrees to not to place the system in operation until a Certificate of Compliance has been issued by the Board of Health.

Signed  Date _____Inspections _____

No. _____

FEE _____

COMMONWEALTH OF MASSACHUSETTS

Board of Health, _____, MA.

CERTIFICATE OF COMPLIANCE

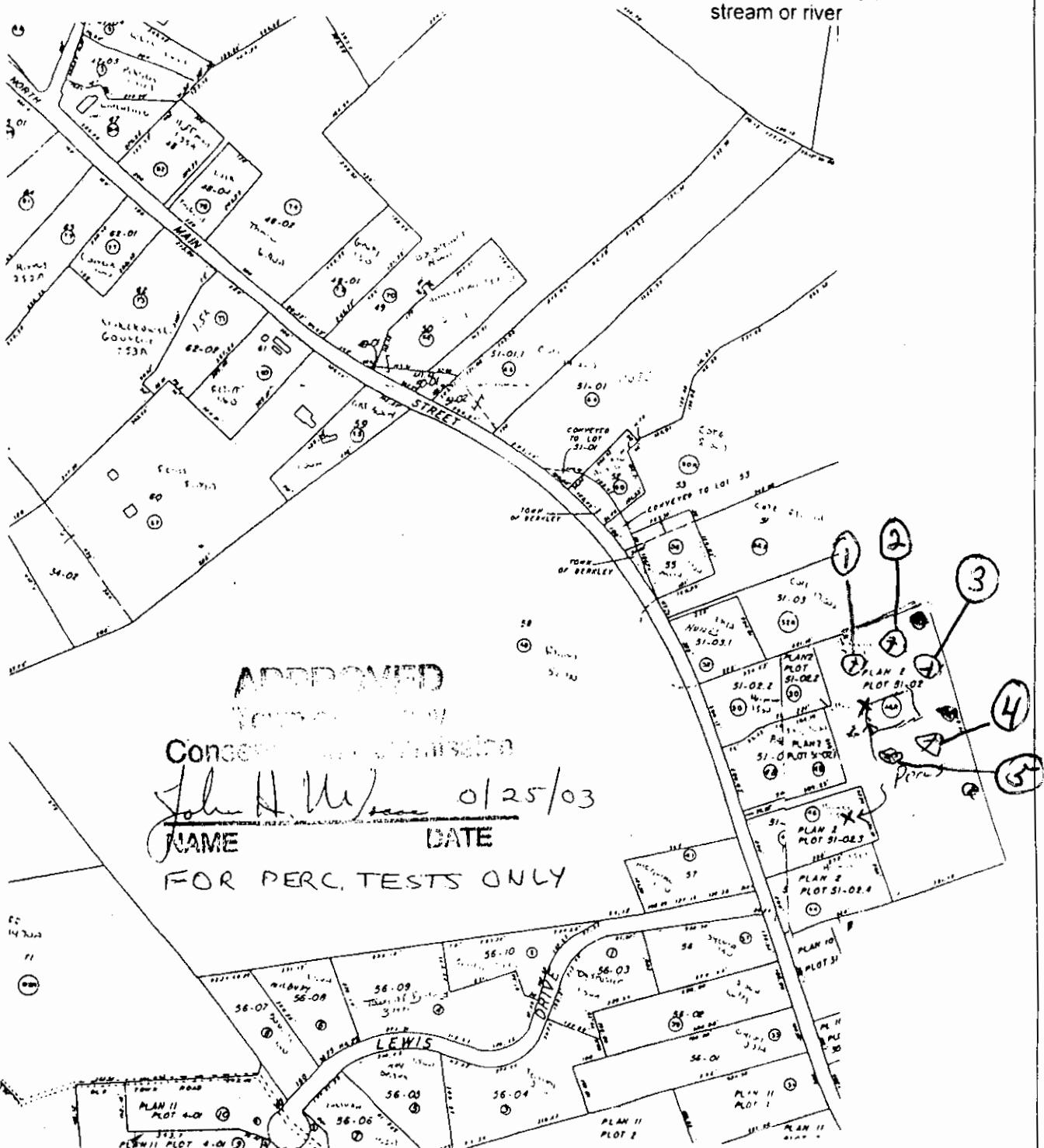
Description of Work: Individual Component(s) Complete SystemThe undersigned hereby certify that the Sewage Disposal System; Constructed (), Repaired (), Upgraded (), Abandoned ()

by: _____ at _____

has been installed in accordance with the provisions of 310 CMR 15.00 (Title 5) and the approved design plans/as-built plans relating to application No. _____, dated _____. Approved Design Flow _____ (gpd)

Installer _____

Designer: _____ Inspector: _____ Date: _____



Holmes Engineering, Inc.
Civil Engineering and Consulting
622 Berkley Street
Berkley, MA 02779
Phone: 508-880-6535

ASSESSORS PLAN
A.P. 2, LOT 51-02 & 51-02.3
46 & 46R NORTH MAIN STREET
BERKLEY, MASSACHUSETTS

DATE:	JANUARY 21, 2003
SCALE:	1" = 500'

GAY & GAY ATTORNEYS, P.C.

73 Washington Street

P.O. Box 988

Taunton, Massachusetts 02780

David T. Gay
Thomas P. Gay
Katherine A. Field
Marguerite M. DeMejo

Peter B. Gay
Of Counsel
Tel. (508) 822-2071
Fax (508) 880-2602

November 17, 2003

Mr. Joseph Lawrence, Building Inspector
Town of Berkley
Town Hall
1 North Main Street
Berkley, MA 02779

RE: Property of Alan Dreyfus, 46R N. Main Street, Map 2, Lot 51-02

Dear Mr. Lawrence:

Per your request we have reviewed the provisions of M.G.L. Chapter 111, Section 31E. As we understand it this section was brought to your attention by Mr. Dreyfus in support of his request that you issue a building permit for the above-referenced property.

As you know the Building Permit has been withheld in part, because the Board of Health has requested that the owner of the property complete certain soil sample studies prior to the Board approving the construction of a single family dwelling at this location. The Board of Health's concerns have been outlined in correspondence between this office and the office of Attorney Francis M. O'Boy who represented Mr. Dreyfus and contacted the Board by letters addressed to this office and to the Board of Health dated September 2003.

It was my understanding based on negotiations between the Board of Health members, members of the Board of Selectmen and Mr. Dreyfus that an agreement had been reached with respect to the soil samples that were necessary, the processing of those samples, etc. It is also my understanding that the results of the soil sample tests have not yet been received by the Town.

With the above as background it appears that Section 31E of Chapter 111, requires the Board of Health to act on an application for a sewage disposal permit within forty-five days of the receipt of the completed application. A completed application must include, according to this statute, all information satisfactory to the local Board of Health regarding the number of deep hole observations, all percolation test results and a plan which meets the requirements of the state sanitary code and any local health regulations. The application shall be considered filed on the date it is completed and all of the information required has been presented to the Board of Health by the person who is seeking the permit.

Mr. Joseph Lawrence, Building Inspector
November 17, 2003
Page Two

The section goes on to state that the Board must act on the completed application within 45 days. Failure to act within the 45 days will result in the application being deemed to have been granted.

Having reviewed this matter in detail, it is my opinion that the Board of Health has not received as yet a completed application from this property owner. The Board has made its request for soil samples known to the property owner and known to the property owner's attorney both orally and in writing. Until those soil sample tests have been received and reviewed by the Board a completed application is not on file. Therefore the 45 days within which the Board has to act has not yet begun.

Further, because of the Board of Health's communication with Mr. Dreyfus and his attorney both orally and written (through this office) if it were determined that a completed application was on file the Board has denied the application. In either case the Application cannot be deemed granted pursuant to the terms of this section of the law based on the facts as we understand them.

It is, therefore, our opinion that you are not able to issue a building permit or any other permit for construction work at this site until the Board of Health has received and acted upon the completed application.

If you have any additional questions please contact me.

Very truly yours,

GAY & GAY ATTORNEYS, P.C.


David T. Gay, Esquire

DTG/bd
Enclosure

cc: Board of Selectmen
Town of Berkley
cc: Board of Health
Town of Berkley

A muddied future

By JAY LeBLANC
Gazette Staff Writer
Document 9-3 Filed 10/10/2005

BERKLEY — Alan Dreyfus said his hopes to build a dream house here have turned into a nightmare.

The Mansfield resident said he plans to sue the town, the Board of Health and three of its members for damages.

"They've messed with the bull, and they're getting the horns now," Dreyfus said. "I've been humiliated at a

public meeting and now I'm being threatened. I'm caught between a rock and a hard place."

However, Board of Health Chairman James Romano called the matter a mere misunderstanding.

"It can be resolved very easily if he wants to come in and talk to us as a board and work with us," Romano said.

Earlier this year, Dreyfus began to explore the possibility of purchasing an 8.5-acre parcel at 46 North Main St. to build a log home for his family and operate a farm.

The property sits near

the Bogs Landing site — a

6-acre area that received

waste from the now defunct

Geilich Tannery in Taunton

— so Dreyfus contacted the

Department of Environmental Protection, which, he said, assured him the site was now clean.

Romano countered that,

"The Environmental Protection Agency said that they suspect that up to 500

acres may have possibly been contami-

nated by Bogs Landing."

► HOME, Page A8

Alan Dreyfus stands in front of the Berkley house is under construction. Soil con-

cerns delays in construction.

Threatening notes left at building site

Document 9-3 Filed 10/10/2005

By MARIA KRAJNAK

Gazette Staff Writer

TAUNTON — The planning board last night voted

to consider adopting a two-

tiered inspection process

for housing subdivisions.

The proposed changes to

the planning board's rules and regulations would

Study seek great security

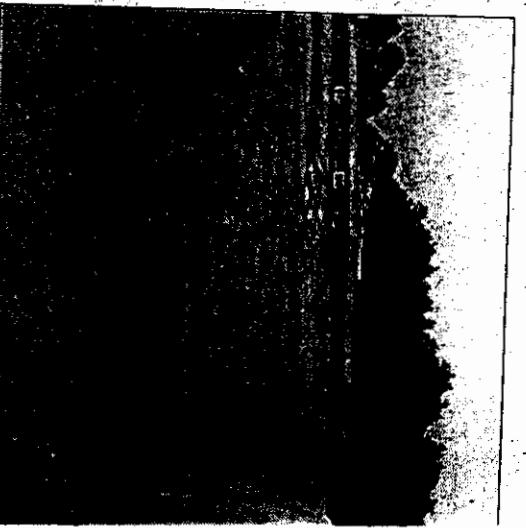
Document 9-3 Filed 10/10/2005

By JAY LeBLANC

Gazette Staff Writer

BERKLEY —

Middle School Principal T. Ross



From Page A1

Dreyfus also said the BOH's secretary reviewed records and found no problems with the site in the past, which Romano said may have occurred because the parcel has been listed under a number of various addresses throughout the years.

In May, Dreyfus purchased the property for \$140,000 and hired Holmes Engineering of Berkley in hopes of beginning the project. He paid the BOH a \$400 fee for a percolation test.

Dreyfus said that once he purchased the property, he was told he would need to have a 21E procedure — the DEP's classification for a hazardous waste site cleanup — performed on the property.

He estimated the procedure would cost upwards of \$5,000 and said he should have been notified of any potential contamination issues at the time of the percolation test. He said he asked Romano to substantiate the need for the test and never got an answer.

Romano said the BOH never even required Dreyfus to perform a 21E.

"We never asked for a full-blown 21E," Romano said. "We asked him for five soil samples to be tested for contamination related to the tannery waste."

Romano also said Berkley resident Gene Flint contemplated purchasing the property in question, but found contaminants in soil on the site and backed out of the deal. Dreyfus called the test performed by Flint "bogus."

The BOH issued a well permit to Dreyfus in order to have water on the site tested for contaminants. Dreyfus



Gazette photo by Mike Gay

Anonymous notes have been found on the Berkley property on which Dreyfus is building a new house.

said Romano told him that if the water did not show evidence of contamination, "he would forget about doing any further testing." Romano said the board always wanted Dreyfus to perform soil tests.

Dreyfus went ahead with construction of the house's well and foundation in late June. A

water sampling performed by Analytical Balance of Middleboro showed no signs of con-

tamination, Dreyfus said, and he could find no evidence of stunted or odd vegetation growth on the site. Despite the test, Dreyfus said Romano once again told him that a 21E needed to be done on the property, which Romano denies.

In a letter dated Aug. 20, 2003 and addressed to Dreyfus, the BOH wrote: "As the Board of Health told you at our meeting on Aug. 12, 2003, before approving septic design plans, you need to have a 21E study done on the soil on your property at 46R North Main Street." The letter is signed by Romano and

fellow board members Anne Hathaway and Steven Rapoza.

"I'm mad because I have \$200,000 of

materials sitting out in a field getting ruined by the elements," he said. "I'm three months behind schedule, with fall right around the corner."

Dreyfus also said he has found three troubling, anonymous notes at the site in recent months as he has

They've overstepped their bounds and violated my civil rights.

— Alan Dreyfus, homeowner

spared with the BOH.

The first, which he said he found stuck on a branch along the property's driveway, read "Get rid of Fred and you'll get your building permit."

Dreyfus believes the "Fred" in question is former Board of Selectmen Chairman Alfred Gouveia; whose company, BLG Construction, has done work on the site.

"We as a board have no ill feelings toward Fred Gouveia for anything he did as a selectman," Romano said.

Gouveia said that while serving as selectman in 2000, he had a clash with the Board of Health over spending practices. At town meeting in 2001, the board's revolving accounts were taken away, and board members were put on salary. He said the dispute has gone on ever since.

The second note, allegedly found in late June, read "For a small fee, we can get rid of the 21E test." On Tuesday, Dreyfus said he found a third note attached to the corner of his foundation with a nail. The note read, "Back off, or you will be real sorry."

"I guess I'm getting welcomed to Berkley in a Berkley fashion," Dreyfus said. "I'm not used to it."

Dreyfus, who would not speculate on who left the notes, has reported the incidents to the state Board of Ethics, the DEP and the Berkley police. Romano said he was certain that no one on his board would leave notes like those found at the site.

Dreyfus' problems with the BOH continued last Tuesday at the board's bi-weekly meeting. Dreyfus brought a videographer to record the meeting, but Romano called the police department and had the tape confiscated. Dreyfus said the videographer announced that he would be recording the proceedings, but Romano said he called police because Dreyfus' videographer never announced that he was recording.

"As the questions got uglier and I got no answers, Jim Romano called the police department," Dreyfus said.

Going Out of Business Sale!!!

NORTHEAST OUTFITTERS

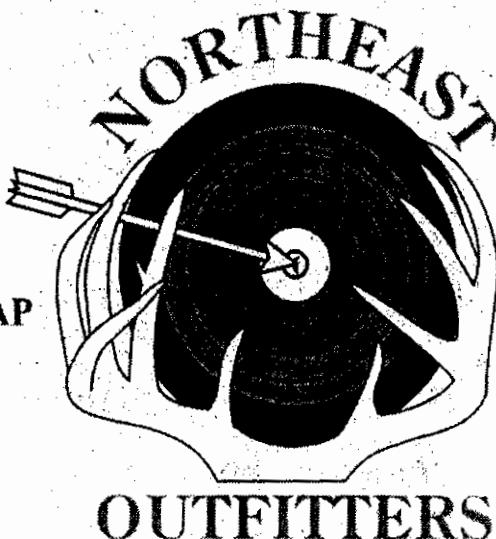
Everything at or Below Dealer Cost

Out of Business Sale!!!

NORTHEAST OUTFITTERS
 Everything at or Below Dealer Cost
 Tuesday Sept. 6th 10am-5pm
 Sunday Sept. 7th 12pm-4pm

on:

HEF CLOTHING
 LOTHING
 DE CLOTHING
 OC CLOTHING
 ANDS
 ESSORIES
 APER MUZZY NAP
 EADS
 BOOTS
 TION
 S SCOPES
 RANGE FINDERS
 EW AND USED



Everything Must Go!!!!!!
Inquiries Welcome!!!

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Videographer announced that he would be recording the proceedings, but Romano said he called police because Dreyfus' videographer never announced that he was recording.

"As the questions got uglier and I got no answers, Jim Romano called the police department," Dreyfus said. "They had the videographer removed and had the tape taken away by the police. Taking that tape away is a major violation of my civil rights." The tape has since been returned to Dreyfus.

Dreyfus said unnecessary delays caused by the BOH have cost him the services of contractors and prevented him from selling his Mansfield home. He has secured the services of attorney Francis O'Boy of Taunton and said he will file a lawsuit against the town, the BOH and board members Romano, Rapoza and Hathaway.

"All I want to do is build my house and live here," Dreyfus said. "They've overstepped their bounds and violated my civil rights."

Taunton wants everything for nothing."

Councilor Debra Botellio said city park rates were still a "joke" when compared to rates other cities. "I was appalled to find out we have a deficit of more than

Boot Dr more th

Gazette Staff Reports

Taunton firefighter yesterday finished collecting the donations they collected on Labor Day for their annual "fill the boot" drive for the Muscular Dystrophy Association. The total came \$12,213 and change, the second highest that we ever collect, said Firefighter Paulson, who helped organize the fund-raiser.



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Berkeley case to investigate Ethics panel

August 28, 2008

8

- Broadcloth today.....B4
- National World.....B6
- Obituaries.....B7
- State news.....B5, B8
- Weather.....B8

Inside

LAUNTON

L NEWS: B5-B6, B8

Wire Betty, Peggy, Bill and Curt
Lovingly remembered.

Will never die.
But memories of you
the days drift by,
like fallen leaves,
No one can heal.
Death leaves a headache
Memories are treasures
No one can steal.
Death for 36
YEARS AT THE
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INTTEGRITY FOR 36
Russell W. Phillips
1998 - September 26 - 2003

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"We as a board have no
ill feelings toward Fred
Gouveria for anything he did
as a selectman," Romano
said.
"We as a board have no
at the site.
Leave notes like those found
one on his board would
said he was certain that no
Berkeley police. Romano
Ethics, the DEP and the
denied to the state Board of
notes, has reported the incident
speculate on who left the
Dreyfus, who would not
Dreyfus contact months as
he has spared with the
BOH.

The site in recent months as
reference to Gouveria — a
which contained a possible
manyamous notes — one of
found three troubling,
Dreyfus said he has
being performed.
Dreyfus contacted the BOH
sites in town have been
built on without soil tests
soil tests to perform
asked Dreyfus to submit soil tests
Romaono said the BOH
potentially contaminated
and found that many other
said he has done research
need for the test and never
got an answer.

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Family Law & Mediation
Familys Probate of Estates
16TAUNTON GREEN
Taunton, MA 02780 (508) 880-0057

If contaminants are
found, Dreyfus said he will
do whatever is necessary in
order to clean up the site so
he can build the dream
house he planned to construct
upon the site so he could
order to clean up the site so
do whatever is necessary in
in May.

8.5 acre parcel for \$140,000
struct upon the site so he
could build the dream
he can build the dream
order to clean up the site so
do whatever is necessary in
found, Dreyfus said he will
If contaminants are
tests.

He said he isn't con-
cerned about the soil
for performing the soil
also seek reimbursement
of contractors and prevent-
have cost him the services
delays" caused by the BOH
He said "unnecessary
away and Steven Rapozza.
James Romano, Anne Hatch-
BOH and board members
damages from the town, the
Taunton — said he will seek
attorney Francis O'Boyle of
secured the services of
clean, Dreyfus — who has
samples come back
specifications.

If the samples come back
clean, Dreyfus said that
because the BOH "will not
give one inch," he will have
Alan Dreyfus said that
on the site.

He said he will perform the
tests to the board's exact
three soil samples from his
property at 46B North Main
St. tested for contaminants.
He said the new home has
three soil samples from his
property before con-
struction begins a new home has
street purchased North Main
contaminants on his test for
members over the board's
requirement that he test for
of Heath and three suit
against the town, the Board
agreed to file suit
threatened to file suit
A Mansfield man who
Gazette Staff Writer

James Romano
Berkley Selectman
anything he did as
a Selectman.
Fred Gouveria for
feelings toward
We as a board
have no ill
Dreyfus contacted the
site in recent months as
reference to Gouveria — a
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and found that many other
said he has done research
need for the test and never
got an answer.



LAWsuit threatened over soil testing

08) 880-9010 on Saturdays from 9 a.m.

—Anonymous
Three are things that are known and
that are unknown; in between are
things that are unknown.

A THOUGHT

NATION

First timer's guide to California blazes / B6

S 7153400551 8

Yes to heavy sweat
No to clear sweat

This image is a high-contrast, black-and-white photograph. It appears to be a close-up of a textured surface, possibly a plant's leaves or a heavily processed photograph of a textured material. The overall tone is dark, with numerous bright, white, and greyish speckles and streaks scattered across the frame, creating a mottled or noisy effect. There is no clear subject or discernible features.

Purcell said the town was also able to get out of debt without making any major personnel cuts. The town avoided layoffs in the police, fire, school and municipal departments.

The town now has a free cash surplus of \$93,432. Purcell credited frugality and strict economy with the success of the campaign. "This is a remarkable achievement," said Purcell. "The town has overcome arround." The budget turned out to be a contribution from the financial year as a contribution from the last committee during the Finance Selectmen and the part of the spending on the part of the town council to the budget of the fiscal year.

NORTON — The town is officially out of debt.

Norton pulls itself out

Mat Haggerdy, Felicia DeAndrade, Brian Parsons and Lindsay Miller carve a pumpkin at school's Tiger Den yesterday. The pumpkin will be given to the school's Tiger Tops program.

This image shows a close-up of a textured, granular surface, likely a mineral or rock sample. A prominent, dark, diagonal band runs across the frame, suggesting a fracture or a specific crystallographic plane. A small, dark, triangular-shaped feature is visible near the center-left of the band. The overall texture is rough and irregular.

Gazette Staff Writer

resolution
will seek
Landowner,
Town,

Senate told Dreyfus that town officials are mainly concerned about possible chromium contamination along a road about three miles north end of his property. He said trucks used to haul tailings waste to sand from the nearby waste site on the unpaved road, and waste access the property. Senator suggested that chromium tests might cost in the neighborhood of \$1,000 to \$1,200. Dreyfus said he would be willing to "test for a million dollars" to "test for a million dollars" who began building the log home in violation of a cease-and-desist order from the Building Department — to stop construction activities at the site as all involved parties work toward a resolution. He said it is possible that Dreyfus could be fined for building without a permit.

"I'm willing to work some-
thing out between the DEP,
the Board of Health and
myself to come up with
something that gives the tests
Board of Health the tests
they need to be satisfied at
minimum cost to myself," he
said.

Accommodation: Low, landowner to reach compromise

Dr. Gerald A. Groteau

for City Council

EDUCATION

- Assumption College: B.A. Philosophy 1959
- University of Massachusetts at Amherst: M.Ed. Educational Administration 1966
- Ed. D. Educational Administration 1979
- Teacher.....1960-1967
- Personnel Management.....1967-1968
- Education Administration.....1968-2002
- Management Consultant.....2002-Present
- Programs Developed for Students
- Budget Developed and Controlled
- Collective Bargaining and Labor
- School Construction

EXPERIENCE

ACCOMPLISHMENTS

"I think it would be in your best interests to stop building until the matter is resolved," Senator said. "We don't want to go to court over this, but we have every right to. We could have the building taken down, although I hope not looking to do that." Dryfus agreed to stop construction, but told Senator he hopes for a quick settlement.

Dreyfus could be fined for libel. He said it is possible that the site as all involved parties work toward a resolution. Dreyfus suggested that the site order from the Building Department — to stop construction activities at the site as a cease-and-desist order from the home in violation of a cease-and-desist order from the Log Cabin Building Dreyfus — who began building the simple testing for chromium. Sennato advised Dreyfus simply test the soil for chromium. Dreyfus had previously requested testing for numerous other contaminants, which would have cost much more than simply testing for chromium. He said the BOH would be willing to test for particular metals at a cost affordable to municipalities. Sennato said he would be willing to "test for a minimum amount of contaminant," and in particular to test for a minimum amount of mercury.

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ACCOMPLISHMENTS

- Teacher.....1960-1967
 - Personnel Management.....1967-1968
 - Education Administration.....1968-2002
 - Management Consultant.....2002-Present
 - Programs Developed for Students
 - Budget Developed and Controlled
 - Collective Bargaining and Labor
 - School Construction

EXPERIENCE

- sumption College; B.A. Philosophy 1959
University of Massachusetts at Amherst;
M.Ed. Educational Administration 1966
Ed.D. Educational Administration 1979

(AP) — The city's new \$20 bill is proposed to be used to counter-²⁰ some people's attention.

There just over the new circula-²⁰ Park and Recreation Department worker Jose Molina checks the lights that will be a part of the Taunton Green's holiday display. With Halloween a few days away, the department is hard at work getting ready for winter holidays.

Gazette photo by MIKE GAY

Mexican prisoner no closer to going home

Gazette Staff Reports

For new \$20 market another restaurant ^{10/20/2003} Day, Detective Persampieri ^{10/20/2003} File Fidgewater were also said trying \$20s into a Brockton police, who due bills at police

ice plan to charges whom he ^{10/26/2003} No one at police department immediately ^{10/26/2003} Main St. by now. Instead, he continues to spar with the Board of Health over its refusal to grant him the permit he needs in order to construct the home.

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By JAY LeBLANC
Gazette Staff Writer

BERKLEY — Alan Dreyfus fully expected to be living with his family in his new log home at 46R North Main St. by now. Instead, he continues to spar with the Board of Health over its refusal to grant him the permit he needs in order to construct the home.

Case, Page A2

Because of the 8.5-acre parcel's proximity to the Bogs Landing site — a 6-acre area that received waste from the now defunct Geilich Tanner in Taunton — Dreyfus said the BOH is requiring him to conduct eight soil tests on the property to check for contaminants before it issues the permit. Dreyfus has refused to

I did what I have to do and I'll continue to do what I have to do.

— Alan Dreyfus, land owner

documentation indicating the land is contaminated. Despite repeated requests, Dreyfus said the BOH has failed to provide any evidence of contamination on the site.

"I've already lost enough time and money," said Dreyfus, who said delays have

home and allowed him to bring materials to be damaged by the elements. "I don't see why I should have to pay \$10,000 for a test the Board of Health hasn't proven is necessary."

Dreyfus said Julie Hutchinson of the state Department of Environmental Protection, assured

INDEX

Lifestyles D1
Lotteries A2
Obituaries A5
Classified D4-D6
Region A6
Sports C1-C4

the cell, he said. The call goes through the company, which takes half the receipts.

The other half would go to the city, O'Berg said. The rates would be regulated by the Dept. of Utilities, he added.

Such a system would not only generate money on officers' time and increase their safety.

Officers wouldn't have to escort prisoners to an area in the station where they could use the phone and would no longer have to physically monitor their use of the phone. That's very labor intensive.

The city lockup has eight cells, the chief said, includ-

ing two for females and one for juvenile prisoners.

He made it "very clear"

► SANGER, Page A4

► PHONES, Page A2

Landowner begins to build despite issues with town

By JAY LeBLANC
Gazette Staff Writer

BERKLEY — Alan Dreyfus fully expected to be living with his family in his new log home at 46R North Main St. by now. Instead, he continues to spar with the Board of Health over its refusal to grant him the permit he needs in order to construct the home.

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Case, Page A2

► BERKLEY, Page A4

NATION

Wildfires continue to rage
across California / A7

Berkley: Landowner begins building home

From Page A1

him the site was clean before he purchased it from the Federal Bankruptcy Court in Boston for \$140,000 earlier this year. He said Hutchinson told him underground water flows away from his property toward the Bogs Landing site and tests performed on seven wells on abutting properties showed no evidence that contamination had spread from Bogs Landing.

Hutchinson could not be reached for comment yesterday, and Theresa Barao of DEP's Southeastern Massachusetts office could not confirm that Hutchinson assured Dreyfus the site was clean.

"If the DEP had provided documentation that the land was contaminated, I would have walked away and never purchased it," said Dreyfus, who said he has personally reviewed BOH files in the presence of the board's secretary and failed to find evi-

dence of contamination.

BOH Chairman James Romano declined comment yesterday. He said in September that it is "possible that no records of contamination have been found by the BOH because the site has been listed under various addresses throughout the years."

Romano also said Berkley resident Gene Flint had contemplated purchasing the property in question, but found contaminants in soil on the site and backed out of the deal.

However, in a letter dated Oct. 13, 2003, Conservation Commission Chairman Jack McIsaac wrote Dreyfus that Andy Jones of the DEP had reviewed Flint's report and "found nothing he deemed actionable by the DEP." Jones also expressed "concern that the report's test methodology didn't meet required criteria."

In the same letter, McIsaac also wrote that he had asked Romano about

possible contamination in the areas surrounding Bogs Landing at a Conservation Commission meeting last year.

"I asked him if any potable water well that was located in the block defined by North Main Street, Burt Street, Jerome Street, Pine Street, Porter Street and Locust Street had ever been condemned or found to be unfit due to contamination. He reported that to the best of his knowledge no well in the designated block had been condemned or found unfit due to contamination."

Romano also said in September that "The Environmental Protection Agency said that they suspect that up to 500 surrounding acres may have possibly been contaminated by Bogs Landing." However, a Jan. 25, 2000 article entitled "EPA Completes Clean-Up At Berkley Site" on the EPA's Web site contains the following passage:

"The people who live and work near Bogs Landing can breathe a little easier knowing that area has been cleaned," said Mindy Lubber, acting regional administrator for EPA New England. "After decades of dumping, followed by years of testing and trucking, we can finally say the Bogs Landing parcel

is clean."

Frustrated with his inability to obtain a building permit and concerned about damage to his building materials, Dreyfus began constructing his log home earlier this month. Last Monday, a police officer showed up at the building site and served him with a cease-and-desist order from the town's Building Department. Dreyfus has chosen to ignore the order for the time being.

"I started construction to avoid any more damage to my building materials," he said. "I've invested \$200,000 in building materials. I did what I had to do, and I'll continue to do what I have to do."

Dreyfus is unsure of his next course of action. He had considered filing a lawsuit, but court and attorney's fees would only add to his financial woes (though he hasn't ruled out future legal action). He had hoped to seek assistance from the Board of Selectmen, but Selectmen Chairman Julie Taylor said the board "has no jurisdiction over his problem."

"We have no authority to give him a building permit," she said. "He needs to work out his problems with the Board of Health and the Building Inspector."

Dreyfus plans to attend tonight's selectmen's meeting and attempt to discuss his concerns with the board.

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Cup Cakes
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